

**Amendment and Response under 37 C.F.R. 1.116**

Applicant: Rory A. Heim et al.

Serial No.: 09/851,765

Filed: May 9, 2001

Docket No.: 10006454-1

Title: METHOD AND APPARATUS FOR COMPENSATING FOR INK CONTAINER EXTRACTION  
CHARACTERISTICS

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**REMARKS**

This Amendment is responsive to the Final Office Action mailed March 11, 2004, in which claims 1, 4-12, 15, 22, 25, 26 and 28 were rejected, claims 2, 3, 13, 14, 23, 24, and 27 were objected to, and claims 16-21, and 30-26 were allowed. With this Response, claims 1, 9 and 22 are amended to include the elements of objected to claims 2, 13 and 23. Claims 2, 13 and 23 are canceled from the application. Claims 1, 3-12, 14-22 and 24-36 remain pending in the application and are presented for reconsideration and allowance.

**Allowable Subject Matter**

Claims 2, 3, 13, 14, 23, 24, and 27 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 has been provided in independent form by incorporating the subject matter of claim 2 into amended independent claim 1. Amended independent claim 1 is therefore now in allowable condition, and notice to that effect is respectfully requested. Claim 2 has been canceled from the application.

Claim 3 was already in independent form, having been previously rewritten in independent form in the Amendment and Response mailed July 19, 2002. Allowance of claim 3 is respectfully requested.

Claim 13 has been provided in independent form by incorporating the subject matter of claim 13 into amended independent claim 9. Amended independent claim 9 is therefore now in allowable condition, and notice to that effect is respectfully requested. Claim 13 has been canceled from the application.

Claim 14 depends from amended independent claim 9. Claim 9 is now in allowable condition for the reason discussed above. Claim 14 is therefore also in allowable condition, and notice to that effect is respectfully requested.

Claim 23 has been provided in independent form by incorporating the subject matter of claim 23 into amended independent claim 22. Amended independent claim 22 is therefore

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now in allowable condition, and notice to that effect is respectfully requested. Claim 23 has been canceled from the application.

Claims 24 and 27 depend from amended independent claim 22. Claim 22 is now in allowable condition for the reason discussed above. Claims 24 and 27 are therefore also in allowable condition, and notice to that effect is respectfully requested.

Claims 16-21 and 30-36 were allowed.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1, 4-12, 15, 22, 25, 26, 28 and 29 were rejected under 35 U.S.C. §102(b) as being anticipated by Childers et al. (U.S. Patent No. 6,305,795).

As discussed above, independent claims 1, 9 and 22 have been amended to include the elements of objected to claims 2, 13 and 23, respectively, and are now in allowable condition.

Claims 4-8 depend from now allowable independent claim 1, and are therefore also in allowable condition. Notice to that effect is respectfully requested.

Claims 10-12 and 15 depend from now allowable independent claim 9, and are therefore also in allowable condition. Notice to that effect is respectfully requested.

Claims 25, 26, 28 and 29 depend from now allowable independent claim 22, and are therefore also in allowable condition. Notice to that effect is respectfully requested.

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**CONCLUSION**

With the above amendments, Applicants believe independent claims 1, 3, 9, 16, 22 and 30, and the claims depending therefrom are in condition for allowance.

Any inquiry regarding this Amendment and Response should be directed to either Matthew B. McNutt at Telephone No. (512) 231-0531, Facsimile No. (512) 231-0540, or Thomas A. Jolly at Telephone No. (541) 715-7331, Facsimile No. (541) 715-8581. In addition, all correspondence should continue to be directed to the following address:

**Hewlett-Packard Company**  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Rory A. Heim et al.

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2000  
Facsimile: (612) 573-2005

Date: May 7, 2004  
MBM:dmd

Matthew B. McNutt  
Matthew B. McNutt  
Reg. No. 39,766

**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7<sup>th</sup> day of May, 2004.

By Matthew B. McNutt  
Name: Matthew B. McNutt